

JAN. 21. 2004 12:57PM

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DATE: January 21, 2004

TO: NAME: Examiner Debra F. Charles

COMPANY: United States Patent and Trademark Office

FAX NUMBER: (703) 872-9306 PHONE NUMBER: (703) 305-4718

CITY: Alexandria, VA

FROM: NAME: Michael J. Stimson

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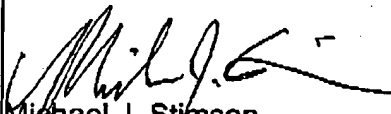
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SUPPLEMENTAL MESSAGE:

Dear Examiner Charles:

This is a draft supplemental amendment that we propose to file in application number 09/536,258, as we discussed in our telephone conference on January 16. Kindly review this draft amendment, and I will call you to discuss whether it adequately addresses the rejection under section 101.

Sincerely,


Michael J. Stimson
Reg. No. 45,429

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 21 2004

In re application of:

Gastineau *et al.*

Appl. No. 09/536,258

Filed: March 27, 2000

For: Hedging Exchange Traded Mutual Funds
or Other Portfolio Basket Products

Art Unit: 3628

Examiner: Charles

Atty. Docket: 00322.0007.NPUS00

OFFICIAL**Supplemental Amendment Under 37 C.F.R. § 1.111**Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated October 4, 2003, (PTO Prosecution File Wrapper Paper No. 5), and further to the Response timely filed on December 30, 2003, Applicants submit the following Amendment and Remarks.

It is not believed that extensions of time or fees for net addition of claims are required. However, if any extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 08-3038 referencing docket number 00322.0007.NPUS00.